

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PETER J. FUCHS, JR.,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 10-998
	)	
CITY OF FARRELL, et al.,	)	
Defendants.	)	

ORDER

AND NOW, this 3rd day of May, 2011, after the plaintiff, Peter J. Fuchs, Jr., filed an action in the above-captioned case, and after a motion to dismiss was submitted by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 33), which is adopted as the opinion of this Court,

IT IS ORDERED that defendants' motion to dismiss (ECF No. 28) is granted with respect to Counts I, III, V, VI and the excessive detainment claim in Count IV, but denied with respect to Count II and the inadequate medical care claim in Count IV.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge